

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION**

IN RE:

VALERIE JEANNE KENION

**11-81036
CHAPTER 13**

**MOTION FOR RELIEF FROM THE AUTOMATIC
STAY OF SECTION 362 AND CODEBTOR STAY OF SECTION 1301
OR IN THE ALTERNATIVE ADEQUATE PROTECTION**

COMES NOW OCWEN LOAN SERVICING, LLC, as servicing agent for DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE UNDER POOLING AND SERVICING AGREEMENT DATED AS OF AUGUST 1, 2004 ABFC 2004-HE1 TRUST, ABFC ASSET-BACKED CERTIFICATES, SERIES 2004-HE1 ("Movant") and respectfully shows the Court the following:

1. On June 27, 2011, the Debtor, Valerie Jeanne Kenion, filed a petition with the Bankruptcy Court for the Middle District of North Carolina under Chapter 13 of Title 11 of the United States Code.
2. On the date the petition was filed, the Debtor Valerie Jeanne Kenion and Izell Kenion (Co-Debtor) were the owners of real property with an address of 905 Chalmers Street, Durham, NC, 27707 ("Property"), and more particularly described in the Deed of Trust referred to below.
3. The Property is subject to the first lien of the Movant by Deed of Trust recorded in the Durham County Public Registry, ("Deed of Trust"), a copy of which Deed of Trust is attached as "Exhibit A".
4. Movant holds a Promissory Note secured by the Deed of Trust from the Debtor in the original principal amount of \$101,250.00 dated May 28, 2004 ("Note"), a copy of which is attached as "Exhibit B".
5. The approximate payoff is \$118,912.10.
6. The scheduled value of the subject property is \$116,041.00
7. The Durham County Tax Assessor lists the tax value as \$116,041.00
8. Upon information and belief, the Debtor is surrendering her interest in the subject property. Debtor has stated this in the Proposed Plan.
9. Because there appears to be little or no equity in the subject property, Movant is entitled to relief from the Automatic Stay pursuant to Section 362(d)(1) of the Bankruptcy Code for cause shown including, but not limited to, lack of adequate protection.

WHEREFORE, Movant prays the Court as follows:

1. Modify the Automatic Stay of Section 362(a) and 1301(a) of the Bankruptcy Code to permit Movant to enforce its security interest in the real property of the Debtor.
2. As an alternative to the relief prayed for above, grant adequate protection to Movant for its interest in the property of the Debtor and Co-Debtor.
3. Modify Rule 4001(a)(3) of the Bankruptcy Code so that it is not applicable in this case and so Movant may immediately enforce and implement this order granting relief from the automatic stay.
4. Grant Movant such other and further relief as may seem just and proper.
5. The Movant further seeks relief to contact the Debtors by telephone or written correspondence and, and at its option, offer, provide and enter into any potential forbearance agreement, loan modification, refinance agreement or other loan workout or loss mitigation agreement.

This the 21st day of July, 2011.

The Hunoval Law Firm, PLLC

/s/ Mathias H. Hunoval

Mathias H. Hunoval

N.C. State Bar # 31603

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LLC

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CERTIFICATE OF SERVICE

The undersigned hereby certifies under penalty of perjury that he/she is over eighteen (18) years of age and that the MOTION FOR RELIEF FROM AUTOMATIC STAY & CO-DEBTOR STAY in the above captioned case were this day served upon the below named persons by mailing, postage prepaid, first class mail a copy of such instrument to each person(s), parties, and/or counsel at the addresses shown below:

(Served via U.S. Mail)
Valerie Jeanne Kenion
Izell Kenion
905 Chalmers Street
Durham, NC 27707

(Served via U.S. Mail and Electronic Notification)
John T. Orcutt
6616-203 Six Forks Rd.
Raleigh, NC 27615

(Served via Electronic Notification)
Richard M. Hutson, II
P.O. Box 3613
Durham, NC 27702

This the 21st day of July, 2011.

The Hunoval Law Firm, PLLC

/s/ Mathias H. Hunoval
Mathias H. Hunoval
N.C. State Bar # 31603
Attorney for T.
501 Minuet Lane, Suite 104-A
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